

BEFORE THE STATE BOARD OF EDUCATION
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.
Commissioner of Education
P.O. Box 94933
Lincoln, NE 68509-4933,

Petitioner,

v.

Ellen Wagner
1809 North 17th Street
Norfolk, NE 68701,

Respondent.

NDE Case No. 22-08

FINAL ORDER

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on May 31, 2022, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public school certificate of the Respondent, Ellen Wagner, be suspended for a period of one year. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Juan Román, General Counsel, on behalf of the Commissioner of Education. NPPC Clerk Kelly Muthersbaugh appeared and provided a summary of the NPPC's recommendation in this matter. The Respondent did not appear.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt were received into evidence as "Exhibit 2." Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866(2) (2014);

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, P.O. Box 94933, Lincoln, NE 68509-4933;

3. The Respondent is Ellen Wagner, 1809 North 17th Street, Norfolk, NE 68701;

4. The Respondent holds a public Nebraska Standard teaching certificate number 20200001053, endorsed as Special Education Generalist K-12, with an expiration date of August 31, 2025;

5. The Respondent was employed as a special education teacher by Norfolk Public Schools beginning with the 2014-2015 school year;

6. Beginning on or about August 9, 2021, the Respondent did not adhere to the terms of her contract with Norfolk Public Schools for the 2021-2022 school year;

7. The Respondent has violated Neb. Rev. Stat. § 79-821 (2014), which states, in pertinent part: "Upon presentation of proof that any teacher . . . has, without just cause, violated or abrogated his or her contract with a school district in the state, the State Board of Education shall suspend the certificate of such teacher . . . for a period of not more than one calendar year after a hearing has been held at a time and place fixed by the board and of which notice has been given to the person whose certificate is sought to be suspended by either registered or certified mail at least ten days prior to the hearing"; Neb. Rev. Stat. § 79-866(2) (2014), which states, in part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a

felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board"; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.06C (effective date: November 12, 2003) ("the educator . . . shall give prompt notice to the employer of any change in availability of service"); Section 005.02B2 (same effective date) ("Each teacher . . . shall: Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provided"); and Section 007 (same effective date) ("Educators shall adhere fully to the terms of a contract or appointment");

8. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. §§ 79-866(2) (2014) to suspend the Respondent's teaching certificate for a period of one year; and

9. The public Nebraska Standard teaching certificate of Ellen Wagner, number 20200001053, endorsed as Special Education Generalist K-12, with an expiration date of August 31, 2025, shall be suspended for a period of one year from and after the date of this order.

Dated this 31st day of May, 2022.

STATE BOARD OF EDUCATION



BY: _____
Pasty Koch Johns, President

The vote by the State Board of Education to approve the Final Order in Case No. 22-08, on May 31, 2022, was 6 in favor, 1 against, _____ abstaining, and 1 absent. Individual State Board members voted as follows:

IN FAVOR: M. NICKELS, L. FRICKE, R. STEVENS, P. GUBBELS, K. PENNER,
P. KOCH JOHNS

AGAINST: D. NEARY

ABSTAINING: _____

ABSENT: J. MORRISON

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon the Respondent, Ellen Wagner, 1809 North 17th Street, Norfolk, NE 68701, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Juan Román, General Counsel, Nebraska Department of Education, 500 S. 84th Street, 2nd Floor, Lincoln, NE 68510-2611, via interoffice mail, all on this 2nd day of June, 2022.

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